

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TROY SIDDONS,

Plaintiff,

--against--

CITY OF NEW YORK et al.,

Defendants.
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**DEFENDANTS’
STATEMENT OF
UNDISPUTED FACTS
PURSUANT TO LOCAL
CIVIL RULE 56.1**

17-CV-4017 (LDH) (RLM)

Defendants City of New York (“City”), Commissioner Joseph Ponte, C.O. Hall, and C.O. Jackson, (collectively “Defendants”) by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, submit this statement pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Eastern District of New York, setting forth the material facts to which they contend there is no genuine issue to be tried:

1. On March 9, 2015, Plaintiff filed a complaint alleging, *inter alia*, that on March 3, 2015, while a NYC Department of Corrections inmate, Plaintiff was fed food containing rat poison by employees of the NYC Department of Corrections. (“Siddons I”). See Plaintiff’s complaint, dated March 9, 2015 in Troy Siddons et al. v. The City of New York et al., 15-CV-1198 (RRM) (VVP) (“Siddons I Complaint”), annexed to the Declaration of W. KeAupuni Akina dated November 14, 2017 (“Akina Decl.”) as Exhibit “A”.

2. On July 6, 2017, Plaintiff filed a complaint in the instant matter, alleging, *inter alia*, that on September 26, 2015, he was assaulted by several Department of Corrections officers. (“Siddons II”). See Plaintiff’s complaint, dated July 6, 2017, in Troy Siddons v. The City of New York et al., 17-CV-4017 (LDH) (RLM) (“Siddons II Complaint”), Dkt. No. 1, annexed to the Akina Decl. as Exhibit “B”.

3. Plaintiff was represented by the law firm of DRUMMOND & SQUILLACE, PLLC in the 2015 matter, Siddons I.

4. Plaintiff is represented by the law firm of DRUMMOND & SQUILLACE, PLLC in the instant matter, Siddons II.

5. On May 31, 2017, Plaintiff signed a Waiver and General Release with the City of New York whereby the City agreed to pay plaintiff a sum of \$17,650 to settle and fully satisfy all of his claims against the City and its employees. As part of the Waiver and General Release, Plaintiff agreed to release the City of New York, the Department of Corrections, and all of their present and former employees “from any and all liability, claims, demands, causes of action, obligations, damages, grievances and liabilities whatsoever of every kind and nature, at law or in equity, whether joint or several, whether known or unknown, and whether or not discoverable which I may have resulting from anything which has happened from the beginning of the world up to now . . . and including but not limited to all claims for attorneys’ fees, expenses, and costs.” See Waiver and General Release, dated May 31, 2017, (“General Release”) annexed to the Akina Declaration as Exhibit “C”.

6. On August 25, 2017, a Stipulation and Order of Settlement and Dismissal with Prejudice, so ordered by District Judge Roslynn R. Mauskopf, was filed in Siddons I. See Stipulation and Order of Settlement and Dismissal, dated August 25, 2017 (“Stipulation and Order”) annexed to the Akina Decl. as Exhibit “D”.

7. As part of the Stipulation and Order, JoAnn Squillace, esq., of DRUMMOND & SQUILLACE, PLLC, agreed, on behalf of Plaintiff and all other settling plaintiffs, to release the City of New York, the Department of Corrections, and all of their present and former employees “from any and all liability, claims, demands, causes of action, obligations, damages, grievances,

and liabilities whatsoever of every kind and nature, at law or in equity, whether joint or several, whether known or unknown, and whether or not discoverable, which any of the Settling Plaintiffs may have resulting from anything which has happened from the beginning of the world to the date of his General Release, including but not limited to, any and all liability, claims, or rights of action which were or could have been alleged . . . and including but not limited to all claims for attorneys' fees, expenses, and costs." See Akina Decl., Exhibit D "Stipulation and Order".

8. On September 26, 2015, and on May 31, 2017, each of the individually named defendants in Siddons II were employees of the City of New York.

9. On November 13, 2017, the New York City Comptroller's Office issued a payment to Plaintiff with regard to the above described General Release and Stipulation and Order from Siddons I.

10. As such, the General Release executed by Plaintiff in Siddons I bars all causes of action against the named defendants in Siddons II.

Dated: New York, New York
November 14, 2017

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
*Attorney for Defendants City, Ponte, Hall,
and Jackson*
100 Church Street, Rm. 3-179
New York, New York 10007
(212) 356-2377

By: /s/
W. KeAupuni Akina
Assistant Corporation Counsel

cc: Jenna M. Dicostanzo, Esq.
DRUMMOND & SQUILLACE, PLLC
Counsel for Plaintiff